

DUCivR 83-1.3 ATTORNEYS - APPEARANCES BY ATTORNEYS

Approved by the Rules Committee on March 9, 2010 and released for comment on the website on March 11, 2010. Further amendment made on April 13, 2010 and released for comment on April 19, 2010.

Reporter's Note: The rules committee has incorporated language which allows limited appearances and has established the procedure for entering and terminating a limited appearance of counsel. A second amendment was made to include provisions delineating the limitations on pro se appearances for corporations or other business entities.

1. (a) Attorney of Record.

The filing of any pleading, unless otherwise specified, will constitute an appearance by the person who signs such pleading, and such person will be considered counsel of record, provided the attorney has complied with the requirements of [DUCivR 83-1.1](#), or party appearing pro se in that matter. If an attorney's appearance has not been established previously by the filing of papers in the action or proceeding, such attorney must file with the clerk a notice of appearance promptly upon undertaking the representation of any party or witness in any court or grand jury proceedings. The form of such notice must follow the example included in these rules as [Appendix V](#). An attorney of record will be deemed responsible in all matters before and after judgment until the time for appeal from a judgment has expired or a judgment has become final after appeal or until there has been a formal withdrawal from or substitution in the case.

(b) Limited Appearance.

- (1) An attorney acting pursuant to an agreement with a party for limited representation that complies with the Utah Rules of Professional Conduct may enter an appearance limited to one or more of the following purposes:
 - (a) filing a pleading or other paper;
 - (b) acting as counsel for a specific motion;
 - (c) acting as counsel for a specific discovery procedure;
 - (d) acting as counsel for a specific hearing, including a trial, pretrial conference, or an alternative dispute resolution proceeding; or
 - (e) any other purpose with leave of the court.
- (2) Before commencement of the limited appearance the attorney shall file a Notice of

Limited Appearance signed by the attorney and the party. The Notice shall specifically describe the purpose and scope of the appearance and state that the party remains responsible for all matters not specifically described in the Notice. The clerk shall enter on the docket the attorney's name and a brief statement of the limited appearance. The Notice of Limited Appearance and all actions taken pursuant to it are subject to Rule 11.

- (3) Any party may move to clarify the description of the purpose and scope of the limited appearance.
- (4) A party on whose behalf an attorney enters a limited appearance will continue to receive notice of all filings with the Court and will remain responsible for all matters not specifically described in the Notice.
- (5) An attorney who has entered a notice of limited appearance under this section shall file a notice with the Court informing the Court when the purpose and scope of the limited appearance have been fulfilled. Failure to do so will constitute the attorney's consent to continue such representation of the party on whose behalf the notice of limited appearance was filed.

(c) Pro Se Representation

Individuals may represent themselves in the court. No corporation, association, partnership or other artificial entity may appear pro se but must be represented by an attorney who is admitted to practice in this court.

~~(c)~~ (d) Appearance by Party.

Whenever a party has appeared by an attorney, that party cannot appear or act thereafter in its own behalf in the action or take any steps therein unless an order of substitution first has been made by the court after notice to the attorney of each such party and to the opposing party. However, notwithstanding that such party has appeared or is represented by an attorney, at its discretion the court may hear a party in open court. The attorney who has appeared of record for any party must:

- (1) represent such party in the action;
- (2) be recognized by the court and by all parties to the action as having control of the client's case; and
- (3) sign all papers that are to be signed on behalf of the client.

(e) Notification of Clerk.

In all cases, counsel and parties appearing pro se must notify the clerk's office immediately of any change in address, email address, or telephone number.